IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

Con.Case(C).No. 1371 of 2007(S)

(AGAINST THE JUDGEMENT IN WPC.6607/2007 Dated 27/03/2007)

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PETITIONER/PETITIONER

GEORGEKUTTY,
S/O YOHANAN,
AGED 50 YEARS,
CHERUVIL MELATHIL VEEDU,
THEKKUMPURAM MURI, PUTHOOR VILLAGE,
KOTTARAKARA TALUK,
KOLLAM DISTRICT.

BY ADV. SRI.PREMCHAND R.NAIR

RESPONDENTS: RESPONDENTS 7 & 8:
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1. JYOTISH KUMAR,
AGE AND FATHER'S NAME NOT KNOWN
TO THE PETITIONER
CIRCLE INSPECTOR OF POLICE,
KOTTARAKARA CIRCLE,
KOTTARAKARA,
KOLLAM.

2. B.GOPAKUMAR,
AGE AND FATHER'S NAME NOT KNOWN
TO THE PETITIONER,
SUB INSPECTOR OF POLICE,
KOTTARAKARA.

BY SENIOR GOVERNMENT PLEADER SMT.MEERA.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

Contempt Case (Civil) No.1371 of 2007-S

Dated this the 3rd day of October, 2007.

J U D G M E N T

H.L.Dattu, C.J.

The complainant alleges that the respondents in the contempt case has disobeyed the orders and directions issued by this Court in W.P.(C) No.6607 of 2007 dated 9th March, 2007 and 27th March 2007.

(2). We have carefully perused the orders and directions issued by this Court. In our opinion, this Court, while granting the interim orders and also disposing of the writ petition has not issued any positive direction to the respondents. In order to come within the meaning of the expression "civil contempt" of the Contempt of Courts Act, there must be a direction and the direction is disobeyed by the contemnors/respondents. Then only we can be initiating contempt proceedings under the provisions of the Contempt of Courts Act, 1971.

(3). In view of the above, we do not intend to take cognizance of this contempt case. Accordingly, the contempt case requires to be rejected and it is rejected.

Ordered accordingly.

(H.L.DATTU)
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

MS